Preserve

App. F. IX-4

1934.
(V. P)

File No. 12-31

Previous References
V.P. 12-31 1945 941

Serial Nos. 46, 63, 108, 176, 189, 218, 219, 220, 221, 222, 223

Later References.
V.P 15-34-117, 146, 147

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Eleven. P.37-E-F

Part B for July 34

SUBJECT.

Acquisition of land of Malegaon village, Hegga da de-ranket Taluk for providing access to Survey Nos 14 etc

Hmm

WD 01965—GPB—15,000—7-7-34

To the Revenue Commissioner
R. 290 of 14-7-34

States that the question of regrant of the acquired land to the party under the Revenue rules be considered

30/8/34

General and Revenue Secretariat | VP | File No. 12 | of 1931

360

Serial No.	
46	Petition Dy rec from Dasegowda of moleyur village, Heggadadevanakote Dk protesting against the acqn of portions of Snos 15 & 16 of the village notified in no L 904/31-12.31-29 Dy 3.8.31 as being reqd for a pathway. 1 The issue of the declaration under sec 6 of the Land Acqn Regn is conclusive evidence that the land is reqd for a public purpose. 2 For orders whether the petn may be rejected. mb Gen. Secy 18/9 VS 21.9.31
	4 Ce report may be called for from the DC on the petn. HCM 4/10 VS
	5 Draft subd, mb MM 5/10
	6 Issue VS 6.10.31
63	D.C. Mysore - x 2734 Dy 14.10.31 Calls for a report on the petn

GENERAL SECRETARY 21 SEP 1931 No

6 OCT 1931 & I

SwA 16/10

NOTE—Contin. Sheet.

WD 02663—GPB—50,000—8-7-30

L 2364

VP File No. 12 of 1931 | General and Revenue Secretariat

Letter No. D4 1664/31-32 dt 26-11-31 from | 98
the D.C. Mysore Dt forwarding the
connected records of the case.

2) The facts of the case have been fully discussed by the D.C in Revenue Appeal case No. C. 2645/29-30 dt 11-5-31 filed by the petitioner to the D.C. It is reported that the owners of S.No. 14 etc of the village were put to great inconvenience and difficulty on account of their being obstructed to pass through the channel cartstrack and that therefore action was taken to acquire the lands.

3) Submitted with reg to para 4 supra -

Flag A

GENERAL SECRETARY'S
3 DEC. 1931
No. 3936

(Sd) Gen. Secy)
3.12.31

(4) Re Scope of Sec 17 of L.A. Regr. Law
Act - Sec 4(b) Revised Circulars
Memo file with me -
Law Dept)

Put 10/12
VS

(10) I discussed the question with the Secy & herewith submit the note as directed -

(11) The petitioner wants to be heard before the declaration under Sec 6 of the LA Regn is made & also prays for revocation of the notice issued

(3

Serial No.

12 Since in this case the declaration under sec 6 has issued soon after the publication of the notn under sec 4, and there is no provision in the L.A. Rept for revoking the notn issued, none of the two courses suggested in the petition can be adopted.

13 It is also not possible even to withdraw from the acqn proceedings under sec 48, since according to the SDO's report, possession has been taken on 16th Sept 1931.

14 On examination of the papers however shows that this was not a case to which the provisions of sec 17 of the L.A. Rept ought to have been applied. The fact that the acqn mainly benefits the owners of S.No 14 V perhaps a few others and that apparently the compensation amount has been paid by private persons, indicate that it was a case in which the right of the petitioner, given under the law to contest the acqn ought not to have been taken away by means of sec 17. There seems to have been a lot of private rivalry betn this Dasapowda & the other villagers & the linked file pending in the Law Dept shows that even a criminal case has arisen out of these land acqn proceedings on account of an apparently illegal order of the Sub Dn Officer.

15 If on account of these circumstances,

(Put up for reference & return)

NOTE—Contn. Sheet.

Letter No.C.5-444/31-32 dated 2nd December 1931, from the Deputy Commissioner, Bangalore District, to the Revenue Commissioner in Mysore.

Subject:-- Regarding the advance of Rs.750/- to Chikkamuduvadi Village Panchayet, Kankanhalli Taluk to meet the acquisition charges in respect of the land proposed to be acquired for Village extension.

I have the honour to forward herewith the records relating to the above subject received with the Closepet Sub Division Officer' Memo No.L.A.R.17/30-31 dated 24th July 1931 and to state that both the Amildar and the Sub Division Officer have recommended the grant of an advance of Rs.750/- to the Village Panchayet in question for the purpose stated above.

The Village Panchayet has also passed a resolution on 19th June 1931 to the effect that a loan should be obtained for meeti ~~XXX~~ the acquisition charges and the same repaid in 3 years by instalments.

On a similar reference from this office, it has been ordere in your docket No.C.4404/30-31 dated 16th June 1931 that the grant of an advance before the acquisition is sanctioned would be premature an that the proposal might be submitted after the acquisition is sanctioned. But as per revised rules of 1927 under the Land Acquisitior Regulation, the source from which the cost of acquisition will be met has to be pointed out while submitting the notifications to Governmen Further it is clear from the Government Order No.L.7036-45/V.P.13-26- dated 6th April 1927 that the advances to the Panchayets for this purpose can and will be drawn only after the acquisition is sanctioned. There is thus no harm in sanctioning the advances before the acquisition is sanctioned.

I therefore request you to oe so good as to move the Government to sanction the advance mentioned in the present case and enable me to proceed further in the matter of ~~acquisition~~ acquiring the lands required for the extension of the village.

" C o p y "

For Revenue Commissioner.

41

2643/31

64

VS File No. 102 of 1931.

General and Revenue Secretariat

Govt deem it fit to reopen the case & give an opportunity to the petitioner, they he may be heard, but the only way in which his grievance, if it be found to be bona and substantial, can be redressed is by regranting the land acquired to the petitioner under the Darkhast rules, if such a course is possible under the Revn: Laws.

(Govt Secy)

BMP
16/12

16 Govt Secy with Compl Ct

MRR
19/12/31

BMP
21/12

II-nd member

VRS
21/12/31

VS

Please see the B.C. whether case was referred to B.C

(17) Whether the order for Rent Receipt to our Engl Date ... Jan 1

VS
23/12/31

VRS
23/12

VS

BMP

(18) Draft of a notice is put up for consideration ~~for~~ the 16th Jany 1932 has been suggested. If approved notices will be issued to the parties

83/24-12-31 2nd Member

(19) VRS 24/12/31 VS 24.12.31

11

145

Law

GENERAL SECRETARY
1 DEC. 1931
No. 4297

SECRETARY.
16 DEC. 1931

GENERAL SECRETARY
21 DEC. 1931
No. 4431

OFFICE OF THE SECOND MEMBER OF COUNCIL
22 DEC. 1931
No. 4987

OFFICE OF THE SECOND MEMBER OF COUNCIL
24 DEC. 1931
No. 5088

Serial No.

12 Since in this case the declaration under sec 6 has issued soon after the publication of the notn under sec 4, and there is no provision in the L.A. Regn for revoking the notn issued, none of the two courses suggested in the petition can be adopted.

13 It is also not possible even to withdraw from the acqn proceedings under sec 48, since according to the SDO's report, possession has been taken on 16th Sept 1931.

14 An examination of the papers however shows that this was not a case to which the provisions of sec 17 of the L.A. Regn ought to have been applied. The fact that the acqn mainly benefits the owner of S.No 14 & perhaps a few others and that apparently the compensation amount has been paid by private persons, indicate that it was a case in which the right of the petitioner, which under the law to contest the acqn ought not to have been taken away by means of sec 17. There seems to have been a lot of private rivalry between this Dasipowda & the other villagers & the linked file pending in the Law Dept shows that even a criminal case has arisen out of these land acqn proceedings on account of an apparent illegal order of the Sub-Dy Officer.

15 If on account of these circumstances,

(put up for reference & return)

WD 70—GBPM—60,000—13-8-31.

2613/83/1

L 9536

VS File No. 12 of 1981

General and Revenue Secretariat

for any access in the case but the Petr & see whether the required ~~access~~ ~~No. 14~~ ~~which~~ ~~cannot~~ access cannot be given in any other manner. If this can be done he will consider promptly granting the required facilities to the Petr.

GENERAL SECRT
16 JAN. 1932
No.....

24. Please issue accordingly 16.1.32

RG
18/1/32

Rec'd 19/1

25. A draft put up for approval

83 19.1.32

26. Issued 28/1

GENERAL SECTION
25 JAN 1932
GEN'L. &

No L 5210 of 27.1.32. To be supplied. 126

Requests him to hear the petitioner and see whether the required access to Survey No 14 of the lands cannot be given in any other manner than Survey No 1576.

27. The file may now be sent to the Protection Br, for taking their file and returning the papers quoted by Br

linked file Law 56-3

83 27.1.32

28 Linked file is returned. This may be returned to L.S.G. Br

29/1

ISD 29/1

L.S.G. Br)

29.

General and Revenue Secretariat

File No. 12 of 1931.

Serial No.

20
Notice of the appeal was issued (1) direct to the Party. (2) the advocate (3) through the amildar, engaged adversary to be taken.

21 The duplicate copies sent through the Amildar have not been yet returned being served to the party.

Submitted for information

83
13.1.32 AB (2nd Member)

14/1

22
The notice has been read, duly served, today
15/1

23)
The S.D.O's report is the effect that the land has been taken possession of; but the petr. states before me that the land has not been taken possession of. Only petr. doesn't know the action taken by the S.D.O. on a perusal of the records in this case it is found that the L.A. Rule has been complied with and no objection has been filed against the proposed acquisition. As objections by the party and it is possible that the may cause prejudice the B.C. may be asked

OFFICE OF THE GOVERNMENT OF COUNCIL
15 JAN.
No. 569.1

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8 7 30

General and Revenue Secretariat — File No. 12 of 1931.

Serial No.	
218	From the Dy Commr Mysore District No: D. 1664/31 dt 26.5.33. with reference to this Office letter of even no. dt 29.1.32, forwards the entire records of the case and states that as the Sub Dvn Officer, Mysore, reported now after personal inspection and enquiry that the acquisition of the land is not necessary, proceedings may be dropped.
	(29) Submitted for orders with reference to the Chenbers minute dt 16.1.32 at para 23 supra.
	(30) Reference is invited to the present Sub Divisn Officer's report dt 3.4.33, in which he has stated that as there is another way in S.No 18, which is being used now by the people etc, there is no necessity at present to acquire portions of S.Nos 15 & 16. The question of acquisition of these portions is for consideration as these portions have been acquired already.
	31. Please flag references in the records regarding the paint & also possession of the land having been taken. As possession has not been taken yet, the Govt can withdraw from the acqn under sec 48(1) of the L.A. Act.
219	From the Manager, Indian Iron & Steel Co Ltd (represented by his Advocate) Petn dt 26.6.33. Requesting

WD 70—GBPM—60,000—13-8-31

8/

GSO 59/56

V 6 File No. 12 of 193/ General and Revenue Secretariat

that necessary award for the lands S. Nos 15 & 16 of Molegaon (ordered to be acquired) may be directed to be passed & the compensation amount, deposited already, paid to the owners of the lands.

32 The advocate for the party who had agitated for the acquisition of portion of S. Nos 15 & 16 in the past, has presented the above Petition requesting that the Compensation amount, held in deposit may be paid to the owners of the lands.

Paid 2

33 Reference is invited to the Govt's letter suggesting that further proceedings may be dropped as the acquisition is not necessary. The fresh order sanctioning the acquisition and the Sub Divisional Officer's (previous report stating that the lands have been taken possession of already are flagged (D & G) as directed in para 31 supra.

Refee: Member's minute at para 33.

98 29/6.

34 Please flag the several references in the reads relating to the several points raised in the petn of Navi Gawda (P-H-D-II) & enclosed the file. The Sketches relating to the land acquired & the pathway said to exist already may be flagged if they are to be found in the reads

(X) 6U.

AMR 29/6

35 The references are flagged & file as submitted as directed

98 6/7.

Serial No.

36 The Deputy Com's report and the petn of Marigowda (owner of S.no. 14) are subd with reference to the Member's orders in para 23 supra.

37 The present S.D.O has opined, and the Dy.C. has agreed with him, that the proposed acquisition does not appear to be necessary for the present, as there is another way and road through S.no. 18 to go to other S.Nos and S.no. 14 also. There is no Sketch sent up showing this road. Para 2 of the remarks S.D.O's letter Dy 8.7.31 stated that there was absolutely no path for going to the lands lying to the east of S.Nos 15 & 16, and the Shanb and Patel of the village have, in their Statement Dy 5.1.33 stated that S.no 18 contains a pathway for going to the tank and that the only convenient path to S.no. 14 & other nos would be through S.nos 15 & 16 or through S.nos 17 & 21.

38 Forwarded.

(Penlegy)

AM 1/7

39 The present I.G. has on the 2nd Nov 1932 himself recorded that he agrees with the auth in the opinion that there is no possibility of access to S.N. 14 except thro' S.Nos 15 & 16. His letter dated 3rd April 1933 seems however to contradict this opinion of his. He is requested to clear up and the Sketch referred to the Butterfly Note that the pathway passing through

Please file papers before submission

NOTE—Contn. Sheet.

10/

11

VB File No. 12 of 1932 | General and Revenue Secretariat

S. No. 18 leads to the Tank in S. No 30.

40 The Report states that this pathway
helps access to S. No 16 which is situated to
above S. No 18 appears to me to require
verification after personal inspection by the Collector.
An accurate Sketch showing the Existing pathways
in regard to these S. No numbers may also be sought
for the disposal of the case.

41 It may be added that the Complainant
has applied to Court through his advocate
praying for the completion of the
acquisition proceedings.

Recorded
16 members

42 I opine that the matter requires
further Enquiry. After receiving
the mutually convenient report of
the RDO by the date mentioned in para
3.9, the D.C. may also direct inspect
the spot personally & submit a
report

Put up
Please fix
the date
in the
Court

OFFICE OF THE
FIRST MEMBER
13 JULY 1933
No. 449

1.50 | 5176 | 1600

[App. F. III—2

General and Revenue Secretariat | V.O. File No. 12 of 193

Serial No.

H4 Draft letter is subd

TB 16/7.

by Issue Sent Regd 16/7

Secy 17/7 Dep?

GENL. & REV. SEC. 19 JUL. 1933

220 To the Dy Commr, ~~Belgaum~~ Dhd No: L. 64 & 21.7.33. Observes that in the circumstances stated, it is necessary to further examine the question whether there is really access to S.No 14 thro S.No 18. as now reported by the S. DO & requests that the Dy Commr may inspect the spot personally & submit a report in the matter along with an accurate sketch showing the exact pathways

Sus A.

from Daregowda Petn & 29.5.33 - Requests that he may be informed of the date of hearing in connection with the regn of S. Nos 15 & 16 of Sholegur village.

P-H.D. I

Reference is invited to the 1st petn of Daregowda protesting against the regn of the above lands. The case was posted for hearing to 16.1.32 - Reference is invited to Member's minute & 16.1.32 in accordance with which a report was called for from the Dy Commr as to whether access to S.No 14. could not be given in any way other than thro' S.Nos 15 & 16: The Dy Commrs report was subsequently received and in accordance with the Member's orders thereon, the Dy Commr has been requested to inspect the land & report whether there is access to S. No 14 through other lands as reported by

F 2

para 42 Supra

NOTE—Contn. Sheet.

WD 70—GRPM—60,000—13-8-31

S. DO 78 10/10

12/

File No. VP . 1600 / 12 of 1931 . | General and Revenue Secretariat

by The Dy Com's report is awaited & it is not known if the parties will be heard again after the receipt of the Dy Com's report. The Petr may be informed that in case the parties are to be heard the hearing date will be intimated to them

Sm 18/10

Sd/ (illegible)

GENERAL SECRETARIAT
13 OCT 1933
No

The DC may be reminded & this file put up again after his report is received

17.10.33

Sm 28/10

Sd/ illegible

Dated 28.10.33

SI Ay

Issued vide no L 3028 Dy 4.11.33 to the D.C. Mysore

Delhi no dt 1666/31-32 of 17.3.32 from 2nd the Dy Comr Mysore & forwards his report and considers that no acqn is necessary

A sketch showing the existing path has also been sent (vide flag F).

Filed with reference to para 4 of above

28-3-32 Ay

Mr Srinivasa Murti who wished up the case previously may please bring up in person after going through the report now received.

Sd 31/3

Mr. Srinivasamurty is on leave. Subd,

Sd 12/4 Ay

on the following points :—

1) that the Village Panchayet will be in a position to repay the advance — say, one half ~~the~~ one within one year and the balance before the end of 2 years; and

(2) that the sites can be disposed of at a price which will fully cover the cost of acquisition and that they will be taken up in a reasonable period of time

I am ~~further directed~~ to add that ~~before sanctioning the acquisition~~, it is also desirable that all those who want sites should make a deposit — in token of their being serious about the matter.

The Panchayat are requested to move in the matter.

I have etc,

for General Secretary to Govt

25/1/61

Acqn of land in S.No 434 of Kolegere village

Serial No.

Reference is invited to the report dt 10-9-33 of the Amildar of Hegg and adverse note in which he has stated that the appellant (Dase Gowda) has stated that he has no objection for men & cattle to pass through his lands (S.nos 15 & 16) during crop season and for carts passing during non-crop season. He, however, doubts if the assurance given is sufficient and can be enforced legally, and states that in case this cannot be done, the only solution is to acquire portions of S.nos 15 & 16, as thereby the nearest & direct approach can be had to S.nos 14, 21 & 24.

It is also stated that the owner of S no 14 Nanjunda wants a recognised cart track to the ground by acquiring portions of S nos 15 & 16

The Dy Com thinks that the acquisition is not necessary, perhaps relying on the statement of Dase Gowda that he would allow access through his lands.

It will be seen from para 23 that possession of the land has been taken & that the land acquired will have to be regranted if access to S.no 14 is to be given through other lands other than S nos 15 & 16.

Dase Gowda wants to be heard before the case is disposed of.

For orders with regd to para 42—

(Desh Seey). 22/4

In the circumstances my own view after inspection is the presence of the parties, the question of regrant to the party may be considered.

Reference is invited to Rev asst Secy's note para 15 & Members' minutes from 23 to 42.

Secretary

I agree

23. APR. 1933

Secretary please refer before answer

attended to 23/4

Note—Contn. Sheet.

WP 29—GBPM—650,000—13-8-31.

Draft

24/5 M.S. please put up draft

14/ Acqn of lands in Holeyur village 6690/33

VP File No. 12 4340/J of 193/. General and Revenue Secretariat

2 drafts subd,

NB AM 9/6

"In favour of opinion of the asst to the Govt is in order

Asst Secy, Law Secy with Comps) dtd 1/7/34

The Draft is certainly in accordance with the orders passed on 24.5.34 supra.

Asst Secy, Law Secy with Comps) dtd 3.7.34

The Drafts put up may be approved.

As the question of the regrant of the land acquired is involved, the file may be sent to the Govt Secy for perusal before issue of the Drafts.

Dev Secy) dtd 4/7

Genl Secy with Comps)

Law. 10.7.34

Secy dtd 10/7

4/7 Law

Issue Drafts dtd 10/7

D.O. despch. dt 290 dt 14.7.34. states that Govt. Concurs with his views that the Acqn is unnecessary & that the question of regrant of the land to the party under the revenue Law may be Considered

L291 dt 14.7.34 Endt to party

B 25/7

4 - JUL. 1934 36

DEVELOPMENT SECRETARY. 4 - JUL. 1934

10 JUL. 1934 GENL. & REV. SECTT.

UP 17 — 84 — 63

App. F. G. 9]

15

GOVT. OF H. H. THE MAHARAJA OF MYSORE.

GEN. & REV. SECRETARIAT.

OFFICIAL MEMORANDUM.

No. L 2734 Tare & Tano
9/14-10-31.

The accompanying Petition Registered No. L 1243 dated 9.9.31 received at the General and Revenue Secretariat from Mr. Dasegowda of Mooleyur village, Heggadadevankote Hr protesting against the acqn of Sno 15 & 16 of the village mentioned in no L 904/16 12-31-1 & 3.8.31 as being reqd for a railway

is forwarded, together with its enclosures to the D.C. Mysore & C for ~~favour~~ order of a report.

By Order,

6.10.31

for Secretary to Govt Gen Dept

BANGALORE,

..... 19.....

[P. T. O.

WD 2369--GPB—3,000—14-6-27

VP 12-31-108

D.O. No. D4.1664/31-32.
cl. One file.

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT,

Dated Mysore, 25th November *193* 1.

26.

From

S. ABDUL WAJID, Esq., B.A.,
Deputy Commissioner, Mysore District.

L 2364 / 28/11/31
L. S. G. BRANCH

To

H. V. RAMASWAMI, Esq., M.A., B.L.,
Secretary to the Government of Mysore,
General Department, Bangalore.

27 NOV 1931

Sir,

Petition from Dasegowda of Moleyur village, Heggadadevankote taluk protesting against the acquisition of certain Survey numbers required for a pathway.

With reference to your Official Memorandum No.L.2374/V.P. 12-31-63 dated 14th October 1931 calling for a report on the above, I have the honour to submit herewith copy of letter No.L.A.5-6/31-3 dated 18th November 1931 received from the Sub Division Officer, Mysore and to state that the necessity for acquisition is fully discussed in this office order Revenue Appeal Case No.C.2645/29-30 dated 11th May 1931 - Flagged 'A' enclosed in the file.

The entire records are enclosed for perusal and return when done with.

The petition with its enclosure received with your memora under reference is herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

For Deputy Commissioner,
Mysore District.

(Absent from Headquarters)

NRS

Letter No.L. A. 5-6/31-32 dated 18th November 1931 from the Sub Division Officer, Mysore Sub Division, to the Deputy Commissioner, Mysore District.

Subject:- Acquisition of S.Nos. 15,16 of Moleyur of Heggadadevanko taluk

---

With reference to your memo No.D4. 1664-31 dated 30th October 1931 calling for a report in the matter of acquisition of a portion of S.Nos. 15 and 16 of Moleyur village, I have the honour to submit the entire file of records and state as follows:-

Government have, in their order No.L.900-3/V.P.12-31-28 dated 1st/3rd August 1931 sanctioned the acquisition of portions of S.Nos. 15, 16 of the village and have directed the taking possession of the lands immediately under Section 17 of the Land Acquisition Regulation.

Accordingly the lands have been taken possession of on the 16th September 1931. Notices had also been issued to the Khatedars and anubhavadars to appear before this office on 15th October 1931. None of the parties appeared though the public noti was served in the village and the individual notice on the house of the anubhavadar. It is learnt that the previous anubhavadar Gopamma has two daughters-in-law who are said to be residing in some other village. The enquiry of these people will be made soon after the records are returned.

"Copy"

For Deputy Commissioner,

Mysore District.

NRS

360 To 181

The General Secretary,
Government of H. H. The Maharaja
of Mysore,
BANGALORE.

GENERAL SECRETARY. 8 SEP 1931

REV. SECTT. 1243 8 SEPT. 1931 L. & G. BRANCH

~~No.~~ Applicant:

~~Lr 5 12-31~~ Vp 12-31-46

Dasegowda, son-in-low of the Deceased Patel Dasegowda, residing at Moleyur, Heggadadevankote taluk, Mysore District.

The applicant begs to submit as follows:-

1. In the Mysore Gozette of the 31st August, 1931, part III - 1, page 655, there is a Government Notification No: L& 904-V.P. 12-31-29 dated 3rd Aug: 1931, directing the acqusition of portions of Survey Nos: 15 and 16 for a path way. This notification further directs that the prolemenary investigation under S 5-A of L.A Regulation shall not apply to this case, owing to some alleged urgency of the case.

2. The applicant has got these Survey numbers under a registered will of the deceased patel Dasegowda who was the owner of these lands.

3. The applicant begs to submit that the proposed acquistion is not at all foranу public purpose. If the acquisition had been under the usual procedure, the applicant would have been in a position to show to the authorities the falsity of the case and the shallowness of ~~the claim~~ the claim put forverd by the villagers. The ~~case~~ proceedings are the result of ill-will between the

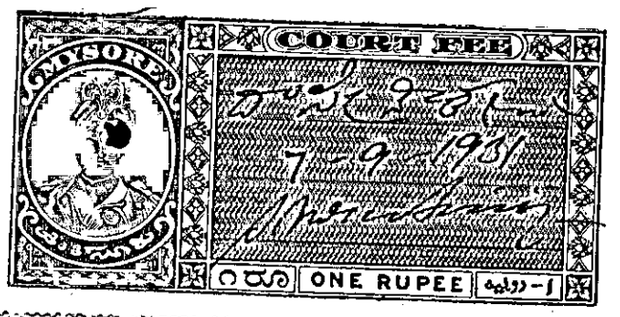
19/

Between the deceased father-in-low of the applicant and the other villagers. The local revenue authorities have unfortunately aided the enemies of the applicant and recommanded this case as one of urgency. No flood, earth quake or other kinds of calumities have suddenly altered the situation which would call for such drastic steps being urgently taken

4. There was never any pathway in or near these lands and there was no necessity for such a pathway at any time. Beyond Survy No: 15 and 16 only one ryot of the village Viz: one Marigowda ownes a land and none else of the village. It is a gross abuse of power to recommend the acqusition of the lands for the path way for the sake of this one man under the special provisions when there is absolutely no urgency whatsoever. Even that land has got another pathway. The applicant has been unjustly deprived of the right vested in him under Law to show that the acqusition was not for a public purpose.

5. Now that the Applicant is debarred from objecting to this acqusition before the Deputy Commissioner under S. 5 (a), the application most respectfully prays that the Government may be pleased to give him or his advocate an apportunity of being heard in this connexion before they pass orders under section 6 of the the Land Acqusition Regulation.

The applicant fubther prays that the Government be pleased to revoke the notification referred to above, after hearing him, if need be.



Before

In the Court of the Government of Mysore. 20/

CASE NO. OF 193 -193

PLAINTIFF. | DEFENDANT.

Pethnai
Basappa

VS.

1. I the advocate abovenamed do, by these presents retain S. Krishnaswamy Rao B.A.L.L. Advocate, Mysore to appear for and conduct the above case on my behalf to Judgment.

2. I further empower him to do all the acts necessary for the above purpose and to execute any decree, or order that may be passed on my behalf and to receive, from court all documents, refunds, and all sums of money that I may be entitled to get and to grant receipts therefor.

3. I also undertake to confirm and ratify all the legal acts done by the said Advocate or any other Lawyer on his behalf in so doing.

4. He need not do any further work if I do not pay the fee due to him.

ಹಸ್ತಾಕ್ಷರ

Date 6-9-1931.

Signed before me and personally known to me.

Accepted

S. Krishnaswamy Rao
Advocate
Lakshmi Vilas Road
Mysore

S. Krishnaswamy
Advocate

for

6/9/31

Srinivas Electric Press, Mysore.

Appendix F G—1]

SUBJECT 29

.....

.....

Section V. P

File No. 12-31

Serial No. 126

Diary No. of letter replied to ... L 2364

No. L 5218 / Records

To dt 27-1-32

The Deputy Commissioner

Mysore district

General and Revenue Secretariat

(V.P.)

the *193* .

Sir.

Date of issue ... 27-1-32

With reference to your letter no. Dy. 1664/31-32 dated 25/26th Nov. 1931, forwarding the records relating to the petition of Dasegowda of Moleyur village, Heggadadevanakote taluk, protesting against the acquisition of portions of Sno. 154 of the Village required for a path-way, I am directed to state that on a perusal of the records it is seen that Sec 17 of the L.A. Regn has been resorted to without any real need and the party has been deprived of the opportunity of

Signed by ... M. A. S. Rao

List of enclosures .....

Copied by .....

Examined by .....

urging his objections to the proposed acquisition, and it is possible that this may have prejudiced him. I am therefore to request you to ~~stop further action in this case~~ hear the petitioner and see whether the required access to survey no 14 and other lands cannot be given in any other manner than this. Pending final orders ~~by Govt~~ in this case, all further action may be stayed. The records received with your letter under reply are herewith returned.

I have etc.

For General Secy to Govt

19.1.32

So that, in case this can be done, Govt might consider the possibility of reserving the required portion to the petitioner

Appendix F G—1]

SUBJECT .....

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Section V. P.

File No. 1-31

Serial No. 14

Diary No. of letter replied to .....

No. 4588 Ese Record

To The Revenue Commissione in Mysore, Bangalore

General and Revenue Secretariat

( )

the *193* .

Sir,

Date of issue 19/2

With reference to your letter No. C 2286/31-32 dated the 25th/26th January 1932 requesting sanction to the grant of an advance of Rs 750 to the Chikkamuchivadi Village Panchayet, Kankanhalli Taluk, ~~required~~ meeting charges for the ~~purpose~~ of acquiring 3 acres and 20 gunta in S. No 55/2 of the said Village for village extension,

Signed by ..... Mr A.S Row

List of enclosures .....

Copied by .....

18.2.32

Examined by .....

I am directed to state that, before the proposal is sanctioned it is necessary to be satisfied

V.P. 12-31-189

No. D4. 1664/31-32.
Encl.

4473
L

Office of the Deputy Commissioner,
Mysore District.

23

Dated Mysore, 10th May *193*2.

Sm RLV

FROM

GENERAL SECRETARY 12 MAY 1932 No L.S.S

GEN. & R-V SECTT 13 MAY 1932 L.S.S. BRANCH.

S. ABDUL WAJID, Esq., B.A.,
Deputy Commissioner,
Mysore District.

To

H. V. RAMASWAMI, Esq., M.A., B.L.,
Secretary to the Government of Mysore,
General Department, *Bangalore.*

SIR,

Petition of Dasegowda of Moleyur village, Heggadadevankote taluk protesting against the acquisition of certain Survey Numbers required for a pathway.

In continuation of my letter No.D4.1664/31-32 dated 2nd May 1932 on the above, I have the honour to request you to kindly return the connected records sent to you for reference with District Magistrate's letter No. Gl. 409/31-32 dated 22nd February 1932 to enable me to submit ~~xx~~ the preliminary notification for the acquisition of the said Survey Numbers in question.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Mysore District.

NRS

The Connected records were sent to him under this office No. L5218 of 27-1-32.

RMC 15/5

No. D4. 1664/31.
Enc. one file.

OFFICE OF THE DEPUTY COMMISSIONER;
MYSORE DISTRICT,

Dated, Mysore, 26th May 1933.

VP 12-31-218 5450

FROM C. S. Kuppuswamiengar, Esq.,
THE DEPUTY COMMISSIONER,
MYSORE DISTRICT, MYSORE.

30 MAY 1933
L. & G. BRANCH

To

GENERAL SECRETARY
29 MAY 1933
No.

H. V. Ramasvami, Esq., M.A., B.L.,
General Secretary to the
Government of Mysore, Bangalore.

SIR,

Access to Survey No.14 and other lands of Moleyur village, Heggadadevankote taluk to be given in any other manner than through S.Nos. 15 and 16.

With reference to your letter No.L. 5218/V.P. 12-31-126 dated 27th January 1932 and subsequent reminders on the above, I have the honour to forward herewith for favour of perusal the entire file of records ending with Mysore Sub Division Officer's No.R3. 426/32 dated 3rd April 1933 and to state that it is now reported by ~~the Sub Division~~ Mysore Officer after personal inspection and enquiry that the acquisition is not necessary as there is another way and voni through S.No.18 of Moleyur village to go to S.No.14 and other lands. In these circumstances, I am of opinion that further proceedings may be dropped.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Mysore District.

NRS

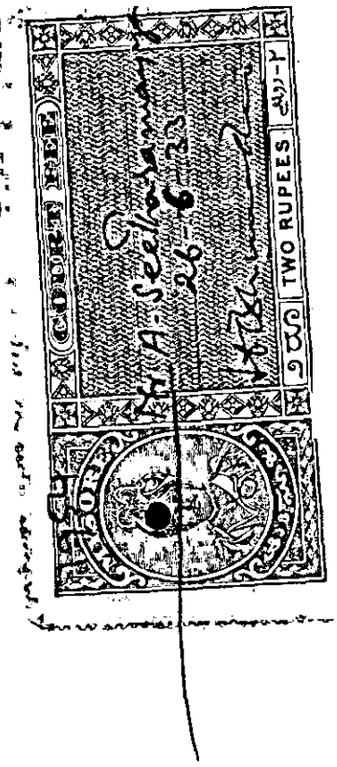
5956

12-31-219

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE

MAHARAJA OF MYSORE, BANGALORE.

PETITIONER:-- Mari Gowda, son of Basavegowda, resident of Moleyur, Kandalike Hobli, Heggadadevanakote Taluk.



The petitioner most respectfully and humbly begs to submit as follows:--

1. That 7 guntas and 89 Squar yards of dry land out of survey numbers 15 and 16 of Maleyur village were notified to be acquired as per No.L.905 V.P. 12-31-29 dated 3rd August 1931 for a way to the public.

2. That this notification was published in the Mysore Gazatte of 6th August 1931.

3. That the acquisition of the said land was found necessary by the Amildar, Sub Division officer, Mysore Sub-Division and the Deputy Commissioner, Mysore District.

4. That the said land was taken possession of as there was urgent necessity as per Government

orders noted above and a way was made thereon.

5. That the Sub-Division officer who was appointed acquisition officer was transfered before he could pass the award.

6. That the petitioner now learns that the present Sub-Division Officer contrary to the opinion of the present Amildar and his previous opinion has reported that the acquisition need not be proceeded with as a breach of the peace is apprehended and that the land may be returned to the owners.

S.D.O's report is flag 'F'

7. The petitioner further learns that the records are pending disposal before this Hon'ble court.

8. That when the Local Officers are satisfied as regards the necessity for the acquisition the apprehended breach of the peace is no ground for stopping acquisition.

9. That the petitioner is one of those who will be left no way to go to his lands - if the road already made now is closed.

10. That the petitioner most humbly submits that when land is taken possession of and the same has been left for the public

use further proceedings in the matter of acquisition cannot be withdrawn under section 48 (1) of the Land Acquisition Regulation.

11. That the petitioner most respectfully prays that orders may kindly be issued to pass the necessary ~~xxxx~~ award and the moneys deposited for payment to the owners may be directed to be payed.

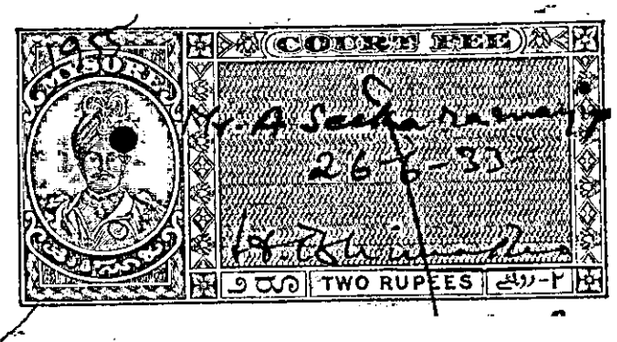
Bangalore City,)
)
26th June 33.)

L.T. mark of Manjunda

Petitioner.

Adv. for petitioner.

Presented by his Advocate
Ato the original Vakalath
of vakalath



V. A Seshadri
26-6-33

26.6.33

In the Court of the Munsiff of the South of Mysore Bangalore

CASE NO OF 193 -193.

PLAINTIFF. | DEFENDANT.

Mari Gowda

VS.

1. I the petitioner abovenamed do, by these presents retain A Seetharamiah Advocate to appear for and conduct the above case on my behalf to Judgment.

2. I further empower him to do all the acts necessary for the above purpose and to execute any decree, or order that may be passed on my behalf and to receive from court all documents, refunds, and all sums of money that I may be entitled to get and to grant receipts therefor.

3. I also undertake to confirm and ratify all the legal acts done by the said A Seetharamiah or any other Lawyer on his behalf in so doing.

4. He need not do any further work if I do not pay the fee due to him.

Dated 193

L.T. mark of Mari Gowda son of Bara. Gowda

Accepted

A Seetharamiah for Advocate
26/6/33

Signed before me and personally known to me.

A Seetharamiah

Srinivas Electric Press, Mysore.

Extra

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 19th July 1933.

No. L Ext 3/VP 12. 4-220

Enc Records

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Deputy Commissioner,

Mysore District, Mysore.

Sir,

With reference to the correspondence ending with your letter No.D.4.1664/31, dated 26th May 1933 on the subject of the acquisition of portions of S. Nos.15 and 16 of Meleyur Village Heggaddevankote Taluk, for providing access to S. No.14, etc., I am directed to observe that the present Sub Division Officer's reports dated 2nd November 1932 and 3rd April 1933 are mutually contradictory in as much as he has stated in the earlier report that there is no possibility of access to S. No.14 except through S. Nos.15 and 16, while in the subsequent report he has stated that there is a pathway ("voni") through S. No.18 to go to S. No.14 and other survey numbers. As far as can be seen from the village map and the sketch attached to Dasegowda's petition dated 28th November 1832, filed with the records, the pathway passing through S. No.18 leads to the tank (S. No.30) and not to S. No.14 which is situated far above S. No.18. Whether there is really access to S. No.14 through S. No.18 is a point which requires further examination and I am to request you to be so good as to inspect the spot personally and submit a report in the matter along with an accurate sketch showing the existing pathways, etc.

The records are returned herewith.

I have the honour to be,
Sir,
Your most obedient servant,

Aswathappa

General Secretary to Government.

Extra

Appendix F G—1]

SUBJECT .....

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Section VP

File No. 12-37

Serial No. 220

Diary No. of letter replied to 6750

No. 6b3 / Revenue

To The Dy. Commr.

Revenue Dept.

General and Revenue Secretariat

( )

the 193 .

Sir,

With reference to the Correspondence ending with your (X) letter

Date of issue 21.7.39 (X)

No. D4-1664/31 dt. 26-5-33, on the subject of

Signed by Mr. A. S. Rao

~~correspondence with~~ the acquisition of portions of S. Nos 15-d/16 of Mole-yen village, Hegganadavanakote Taluk, for providing access to S. No 14 &c, I am directed to observe that ~~proceedings~~ the present Sub Dvsn Officer's reports dated

List of enclosures .....

2.11.32 (X) and 3.4.33 (X) are mutually contradictory in as much as he has stated in the earlier report that there is no prescribed type of access

Copied by .....

Examined by .....

to S. No 14 Except through S. Nos 15 & 16, while in the subsequent report he has stated that there is a pathway ("roni") through S. No. 18 before to S. No 14 - former S. Nos. As far as can be seen from the village map and the sketch attached to Dasegowdas petition dated 28/11/32, - filed with the records, the pathway passing thro S. No 18 leads to the tank (S. No 30) and not to S. No 14 which is situated towards North East of S. No 18. Whether there is really access to S. No 14 through S. No 18 as a point which will require further examination and I am to request you to go and inspect the spot personally and submit a report in the matter.

2. The records are returned herewith

Thanking you

Yours faithfully

Sd/-

Asst Commr

(A) B_2

E_2

along with accurate sketch showing the existing pathways etc.

1650

DEVELOPMENT SEC
13. OCT. 1

Puttet Dasegowda.
Hoskette Village
Heggadadevankote Hobli

V P 1—31—2

GEN. & REV. SECTT. 1240 12 SEPT 1932 L. S. G. BRANCH

No. C.719/32-33. cofysafile

OFFICE OF THE REVENUE COMMISSIONER,
IN MYSORE,

Dated, Bangalore, 9th September *193* 2

10 SEP 1932

S.P. Rajagopalachari, Esq., B.A., B.L., 02,750

Revenue Commissioner in Mysore.

To R. Ranga Rao, Esq., B.A., B.L.,
General
The Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

GENERAL 10

SIR,

With reference to your letter No.L.5882/V.P. 1-31-14 dated 19th February 1932 regarding the grant of an advance of Rs.750 to the Chickmuduvadi Village Panchayet, Kankanhalli Taluk, for meeting the charges of acquisition of 3 acres 20 guntas in S.No.55/2 of the village, I have the honour to state that the Deputy Commissioner, Bangalore has reported in his letter No.C.5-444/31-32 dated 18th August 1932 (copy enclosed) that the Village Panchayet has passed a resolution on 27th July 1932 agreeing to the conditions mentioned in your letter under reference, and that the earnest money to be deposited by the applicants for sites will be collected and credited within a month. It is also reported that the value of the sites can be collected without difficulty if the sites are publicly sold and that the advance from Government can be recouped.

2. In the circumstances, I recommend that the advance recommended by the Deputy Commissioner may be sanctioned to the Village Panchayet. The Deputy Commissioner will be instructed as a precautionary measure, to see that the acquisition proceedings are proceeded with, only after the earnest money is collected and deposited by the Village Panchayet.

3. The vernacular file received with the Deputy Commissioner's letter accompanies for reference.

I have the honour to be,
S i r,
Your most obedient servant

Revenue Commissioner.

V P 12 31-221

No. D4.1664/31-32.
Enc. One file.

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT. 33

Dated, Mysore, 17th March 1934.

4340
L.

FROM

C. S. KUPPUSWAMIENGAR, ESQ.,
Deputy Commissioner,
Mysore District.

TO,

M. Venkatanaranappa, Esq., B.A.,
Secretary to the Government of Mysore,
Development Department, Bangalore.

SIR,

Acquisition of land in S.Nos. 15 and 16 of Moleyur village, Heggadadevankote taluk for providing access to Survey Nos. 14 etc.

With reference to your letter No.L.643/V.P.12-31-220 dated 19/21st July 1933 on the above subject requesting me to verify if there is really access to S.No.14 through S.No.18 etc., after personal inspection of the spot, I have the honor to state that I inspected S.Nos. 14,15,16,17,18 and 21 of Moleyur village and the Tank (S.No.34) on the morning of 11th March 1934, when all the parties, village officers and the Amildar, Heggadadevankote Taluk were present. The voni referred to by the Sub Division Officer leads only to the tank. There is no approach road to S.No.14 from the tank. By getting into the jungle beyond the tank, it is possible to get to S.No.14, but it is a round-about way. The bandh sisths between S.Nos.15,16,17 & 21 will give direct approach to S.No.14 if the hedge existing thereon and put up by the owners of S.Nos. 17 and 21 is removed. During the non-crop season carts can pass on S.Nos.15 and 16. I consider therefore that no acquisition is necessary.

2. The records bearing on the subject accompany with an accurate sketch showing the existing path ways.

I have the honor to be,
Sir,
our most obedient servant,

R. Ramachandra Iyer
for Deputy Commissioner,
Mysore District.
absent from Station

A.N.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 14th July 1934.

No. L 290/VP 12.31-222

From

The *Secretary to the Government of His Highness the Maharaja of Mysore.*
Development Department.

To

The Deputy Commissioner,

Mysore District.

Sir,

With reference to the correspondence ending with your letter No.D.4.1664/31-32 dated 17th March 1934 reporting on the petition of Dase Gowda of Moleyur village, Heggadadevankote - Taluk protesting against the acquisition of survey Nos.15 and 16 of the village for providing access to survey No.14 etc., I am directed to state that Government concur with your view that the acquisition of the land is unnecessary for the purpose aforesaid and that the question of regrant of the acquired land to the - party under the revenue rules may therefore be considered.

The records accompany.

I have the honour to be,

Sir,

Your most obedient servant,

for Secretary to Government,

Development Department.

MB

bnl.2

Appendix F G—1]

SUBJECT .....

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35

Section NP

File No. 12-3

Serial No. 222

Diary No. of letter replied to .....

No. L290 Gul Revs.

To the D.C. Mysore

Sir,

General and Revenue Secretariat

( )

the *193* .

Date of issue ..... 14-7-34 .....

Signed by ..... M. A. S. Rao .....

List of enclosures .....

Copied by .....

Examined by .....

With reference to the correspondence ending with your letter no. D4 1664/31-32 dt 17.3.34 reporting on the petn of Dasegowda of Holeyenvillage Heggadadevankote Tk protesting against the assn of Survey No 15 & 16 of the village for providing access to Survey No 14 &c I am directed to state that Govt concur with your view that the assn of the land is unnecessary for the purpose aforesaid and that the question of regrant of the acquired land to the party under the revenue

Extra

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat 37

Dated, Bangalore, 14th July 1934

No. L291/VP 12-31-223

ENDORSEMENT.

Patel Dase Gowda of Hosakote Village,
Pandalike Hobli, Heggadadevankote.

With reference to his petition protesting against the acquisition of survey Nos.15 and 16 of Koleyur village for providing access to survey No.14 etc., Mr.Dase Gowda is informed that orders have been issued to the Deputy Commissioner to consider the question of the regrant of the acquired lands to him under the revenue law.

By Order,

Asubba Rao

for Secretary to Government,
Development Department.

bnl.21

Appendix F G—1]

8

SUBJECT .....

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Section VP

File No. 12-31

Serial No. 223.

Diary No. of letter replied to .....

No. 223 Cust 91

To Patel Daseegowda

of Hosakole village

Kundalike Hobli

Heggadadevankote

General and Revenue Secretariat

( )

the *193* .

Date of issue 14-7-34

Signed by for A.S.Rao

with regd to his petn protesting against the orders of ~~passing~~ Sy Nos 15 & 16 of Holeyur village for providing access to Sy No 14 to Pls Daseegowda is informed that orders have been issued to the D.C. to consider the grievances of the regrant of the ~~the~~ lands to him under the revenue laws.

List of enclosures .....

Copied by .....

Examined by .....

for Secy to Govt
Rev Dept